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FACSIMILE COVER LETTER

To: EXAMINER DAVID A. REDDING
Firm: PTO
Fax No: 703-872-9713
From: THOMAS J. KOWALSKI, ESQ.
Date: February 26, 2002
Re: USSN 09/848,886
OUR REF: 674506-2035.2
No. of Pages: 35
(including cover page)

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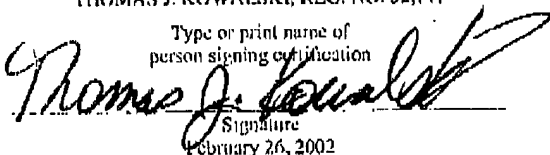
PATENT
674506-2035.3IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : SMITH ET AL.
Serial No. : 09/848,886
Filed : JANUARY 18, 2000
For : APPARATUS AND METHODS FOR PRODUCING AND
USING HIGH-DENSITY CELLS AND PRODUCTS
THEREFROM
Examiner : David A. Redding

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I hereby certify that this paper is being facsimile transmitted
to the Patent and Trademark Office on the date shown below.

THOMAS J. KOWALSKI, REG. NO. 32,147

Type or print name of
person signing certification

Signature

February 26, 2002

Date of Signature

COMMUNICATION REQUEST FOR INTERVIEW AND
INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTENTION: EXAMINER DAVID A. REDDING
FAX NO. (703) 872-9713

Dear Sir:

In response to matters discussed with the Examiner today, and to advance
prosecution, the Examiner's attention is respectfully directed to:

- (a) The Amendment pursuant to PCT Rule 66.1(b) and Article
34, made in corresponding PCT application PCT/US00/01568
(copy enclosed);

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- (b) The June 6, 2001 Notification of Transmittal of International Search Report (IPER) and IPER (copy enclosed) and the documents it cites (Guinn et al., USP 4,889,812, Portner, R. Dialysis cultures. Appl. Microbiol., Oct. 1998, Vol. 50, pages 403-414, Kamen A., On-line Monitoring of Respiration in Recombinant —Baculovirus infected and Uninfected Insect Cell Bioreactor Cultures. Biotechnology and Bioengineering, Oct. 1995, Vol. 50, pp. 36-48, and Spaulding USP 5,637,477);
- (c) The April 5, 2001 Written Opinion in the corresponding PCT application and the documents it cites (copy enclosed).
- (d) The August 6, 2001 Notification of Transmittal of IPER and IPER (copy enclosed); and
- (e) An October 16, 2001 letter from Canadian Associate regarding corresponding Canadian application, and proposed claim set therefor, based on claims deemed to meet PCT Article 33(2)-
- (4) An of corresponding PCT application (copy enclosed).

The Examiner, it is respectfully submitted, should be aware of documents (a)-(d) herewith and the documents cited therein; as the herein Examiner is the same as the Examiner on the corresponding PCT application.

Thus, consideration and making of record the documents (a)-(d) and the documents cited therein are respectfully requested.

Document (e) herewith evinces that a set of allowable claims can be generated, by either the undersigned or the Examiner, and that these allowable claims can be searched and examined by the Examiner, without any undue or serious burden, and that both method and apparatus claims can be included in that

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claim set, despite the telephone call today seeking restriction between method and apparatus claims.

Brgo, upon the undersigned providing a provisional election in response to today's telephone call from the Examiner, The Examiner is respectfully invited to participate in a telephonic interview as to the generation of an allowable claim set, based on the Canadian Associate's suggestions for the corresponding Canadian application, i.e., upon providing the provisional election, the undersigned would like to advance a new claim set akin to that suggested by the Canadian Associate; and, after the Examiner has otherwise considered the herewith cited documents and the documents they cite, and has otherwise examined and searched the application, an interview is also respectfully requested, with a view towards reaching agreement on allowance.

Respectfully submitted,

FROMMER LAWRENCE & HIAUG LLP
Attorneys for Applicants



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